

LEGISLATURE OF NEBRASKA  
NINETY-NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 270**

Introduced by Erdman, 47; Foley, 29; Friend, 10; Redfield, 12;  
Smith, 48; Synowiecki, 7

Read first time January 10, 2005

Committee: Education

A BILL

- 1 FOR AN ACT relating to education; to provide for part-time
- 2 enrollment and for participation by exempt students in
- 3 public school courses and activities; and to provide
- 4 duties for school boards.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. An exempt student shall be eligible to enroll  
2 pursuant to sections 2 and 3 of this act as a part-time student in  
3 a public school operated in the student's school district of  
4 residence or in an option school district as provided in the  
5 enrollment option program established under sections 79-232 to  
6 79-246. For purposes of sections 79-1601 to 79-1607 and sections 1  
7 to 4 of this act, exempt student means a student enrolled in a  
8 private, denominational, or parochial school which elects not to  
9 meet state accreditation or approval requirements pursuant to  
10 section 79-1601.

11           Sec. 2. Each school board shall, not later than August  
12 1, 2006, adopt policies and procedures to ensure that exempt  
13 students are accepted to any academic course or program in the same  
14 manner and are furnished with required instructional materials on  
15 the same basis as full-time students. Policies and procedures  
16 adopted under this section shall:

17           (1) Require the district to provide information to  
18 inquiring parents or students concerning the availability of  
19 part-time enrollment. Such information shall include procedures,  
20 including registration deadlines, that exempt students must follow  
21 to enroll on a part-time basis;

22           (2) Apply the same enrollment procedures and deadlines to  
23 exempt students that apply to full-time students;

24           (3) Specify any enrollment capacity limits that the  
25 school board will apply to particular academic courses, which  
26 capacity limits shall apply equally to exempt students and  
27 full-time students;

28           (4) Establish criteria to determine whether exempt

1 students are eligible to enroll in integrated courses and courses  
2 that are available only to students who fulfill prerequisites.  
3 Criteria applied to courses with prerequisites shall be applied  
4 equally to exempt students and full-time students. Reasonable  
5 indications that academic criteria have been met, including results  
6 from achievement tests or other indications of adequate  
7 preparation, may be required of exempt students as long as exempt  
8 students are required to meet the same prerequisites as full-time  
9 students; and

10 (5) Establish informal and expeditious processes to  
11 appeal denials of requests for part-time enrollment under this  
12 section to the school board.

13 Sec. 3. (1) An exempt student shall be eligible to  
14 participate in or, when selection to participate in an activity is  
15 made on a competitive basis, to try out for one or more  
16 co-curricular or extracurricular activities at a public school  
17 operated by his or her school district of residence. An exempt  
18 student shall be eligible to participate in or, when selection to  
19 participate in an activity is made on a competitive basis, to try  
20 out for one or more co-curricular or extracurricular activities at  
21 a public school in an option school district under the enrollment  
22 option program established under sections 79-232 to 79-246. This  
23 section does not confer upon any student a right to participate in  
24 any activity. An exempt student must demonstrate compliance with  
25 insurance, physical examination, age, transfer, and other  
26 requirements on the same basis as full-time students.

27 (2) Each school board shall, not later than August 1,  
28 2006, adopt policies and procedures to ensure that exempt students

1 who wish to participate in co-curricular or extracurricular  
2 activities are accepted into those activities or tryouts for those  
3 activities. A school board may require that an exempt student be  
4 enrolled in at least one academic class, but shall not require  
5 enrollment in more than one academic class, to participate in  
6 co-curricular or extracurricular activities. Policies and  
7 procedures adopted under this section shall:

8 (a) Require the school district to provide information to  
9 inquiring parents or students concerning the eligibility of exempt  
10 students to participate in co-curricular or extracurricular  
11 activities, which information shall include procedures, including  
12 registration deadlines, that such students must follow in order to  
13 participate in activities or tryouts for activities conducted by  
14 the district;

15 (b) Apply the same registration deadlines to exempt  
16 students that apply to full-time students; and

17 (c) Apply the same academic eligibility requirements to  
18 exempt students that apply to full-time students. Such policies  
19 may require the parents of exempt students to provide assurances  
20 that the school district's academic eligibility standards are being  
21 met. Such assurances may be required at the same intervals during  
22 the year as is required of full-time students. The assurance by a  
23 parent of an exempt student that such student meets the district's  
24 academic standards, provided at the intervals required by the  
25 district, shall be sufficient to satisfy academic eligibility  
26 requirements.

27 Sec. 4. Any full-time student who becomes an exempt  
28 student shall remain ineligible to participate in co-curricular and

1 extracurricular activities for a period of ninety days after his or  
2 her enrollment in the original district terminates. Policies  
3 adopted in compliance with this section shall establish informal  
4 and expeditious procedures to appeal denials of requests to  
5 participate in activities.